

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890  
(<http://www.saw.usace.army.mil/wetlands/regtour.htm>)

Action ID No. 200101165

January 28, 2004

PUBLIC NOTICE

Dr. Arnold Sobol, managing partner of AFTEW Properties, LLC, 2020 South Churchill Drive, Wilmington, North Carolina 28403, has applied for a Department of the Army (DA) permit TO AUTHORIZE THE DISCHARGE OF APPROXIMATELY 2500 CUBIC YARDS OF FILL MATERIAL INTO APPROXIMATELY 1.51 ACRES OF JURIDictionAL WETLANDS FOR THE CONSTRUCTION OF A RESIDENTIAL SUBDIVISION (THE PROPOSED VILLAGE AT MOTT'S LANDING), LOCATED EAST OF RIVER ROAD, WEST OF CAROLINA BEACH ROAD (HWY 421), NORTH OF SANDERS ROAD, ADJACENT TO UNNAMED TRIBUTARIES TO MOTT CREEK AND MOTT CREEK, SOUTH OF WILMINGTON, NEW HANOVER COUNTY, NORTH CAROLINA.

The following description of the work is taken from data provided by the applicant and from observations made during a site visit by a representative of the Corps of Engineers. The site is approximately 261.5 acres and includes approximately 61.4 acres of jurisdictional wetlands. Plans submitted with the application show the discharge of fill material into wetlands for the construction of infrastructure and building lots. The proposed subdivision would be composed of 25 multi-family units and 371 single-family lots. The total proposed impacts are 1.51 acres. The infrastructure, including water and sewer lines, road crossings, and stormwater drainage ways, accounts for approximately 1.005 acre of the total impacts. The applicant has proposed a neighborhood water and sewer system. The remaining 0.505 acre of proposed impacts are associated with lot fills for the single and multi-family units. The applicant has proposed to use the North Carolina Wetlands Restoration Program to provide compensatory mitigation. Plans showing the work are included with this public notice.

There have been other Corps actions on this property. A Nationwide Permit 27 was issued on October 15, 1999, to facilitate an accurate determination of the extent of Corps jurisdiction by backfilling ditches that were constructed in jurisdictional wetlands. The final jurisdictional delineation was signed on January 29, 2001.

There are two primary wetland types on the subject property, pocosin and freshwater swamp adjacent to Mott Creek. No impacts are proposed in Mott Creek or the adjacent swamp. The pocosin areas are vegetated with a canopy of *Acer rubrum*, *Pinus serotina*, *Quercus nigra*, *Persea borbonia*, *Gordonia lasianthus*, and *Magnolia virginica*; a shrub layer of *Ilex glabra* and *Cyrilla racemiflora*; and an under story of *Osmunda cinnamomea*, *Lyonia lucida*, and *Clethra alnifolia*. The underlain soil types, Lynn Haven (poorly drained) and Leon (poorly drained), are

listed in "Hydric Soils of the United States." The uplands on the site are vegetated with a canopy of *Pinus palustris*, *Quercus virginiana*, *Quercus laevis*, and *Quercus nigra*; a shrub layer of *Vaccinium tellenium* and *Rhus coppillum*; and an under story of *Vaccinium crassifolium*, *Aristida stricta*, *Pteridium aquilinum*. The underlain soil type, Kureb (excessively drained), is not listed in "Hydric Soils of the United States."

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDCM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

The requested Department of the Army (DA) permit will be denied if any required State or local authorization and/or certification is denied. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register is the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision, whether to issue a permit, will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer decides that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to decide the need for a public hearing and to decide the public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Environmental Operations Section, North Carolina Division of Water Quality (NCDWQ), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons wanting to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, on or before February 23, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Ms. Angie Pennock, until 4:15 p.m., February 27, 2004, or telephone (910) 251-4611.

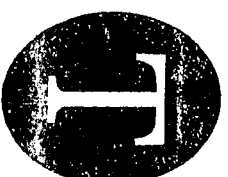


DETAIL SHEETS	WETLAND LETTER	AREA (ACRES)
6, 7	A	0.01
5, 7	B	0.04
5, 7	C	0.11
5, 8	D	0.01
5, 8	E	0.05
5, 8	F	0.03
5, 9	G	0.08
5, 9	H	0.07
5, 10	I	0.03
5, 10	J	0.25
5, 11	K	0.08
5, 11	L	0.02
5, 12	M	0.05
5, 12	N	0.08
5, 12	O	0.01
5, 12	P	0.01
5, 13	Q	0.02
5, 13	R	0.26
5, 13	S	0.01
5, 14	T	0.02
5, 14	U	0.02
5, 14	V	0.08
4, 15	W	0.02
3, 15	X	0.05
3, 15	Y	0.04
3, 15	Z	0.06
TOTAL		1.51

APPLICATION FOR:

U.S. ARMY CORPS OF ENGINEERS SECTION 404 PERMIT AND  
NCDWQ SECTION 401 WATER QUALITY CERTIFICATION  
TO AUTHORIZE WETLAND FILL FOR ROAD CROSSINGS NEEDED TO DEVELOP  
THE VILLAGE AT MOTT'S LANDING

BY AFTW PROPERTIES, LLC  
2020 SOUTH CHURCHILL DRIVE  
WILMINGTON, NC 28403



TRIPP ENGINEERING, P.C.

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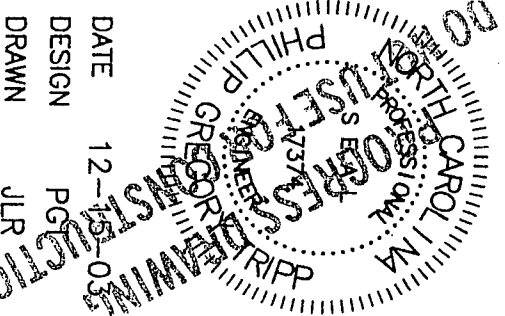
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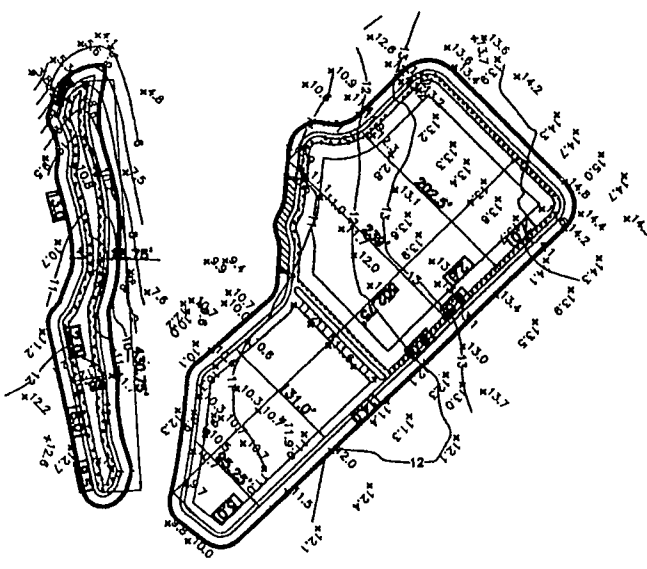
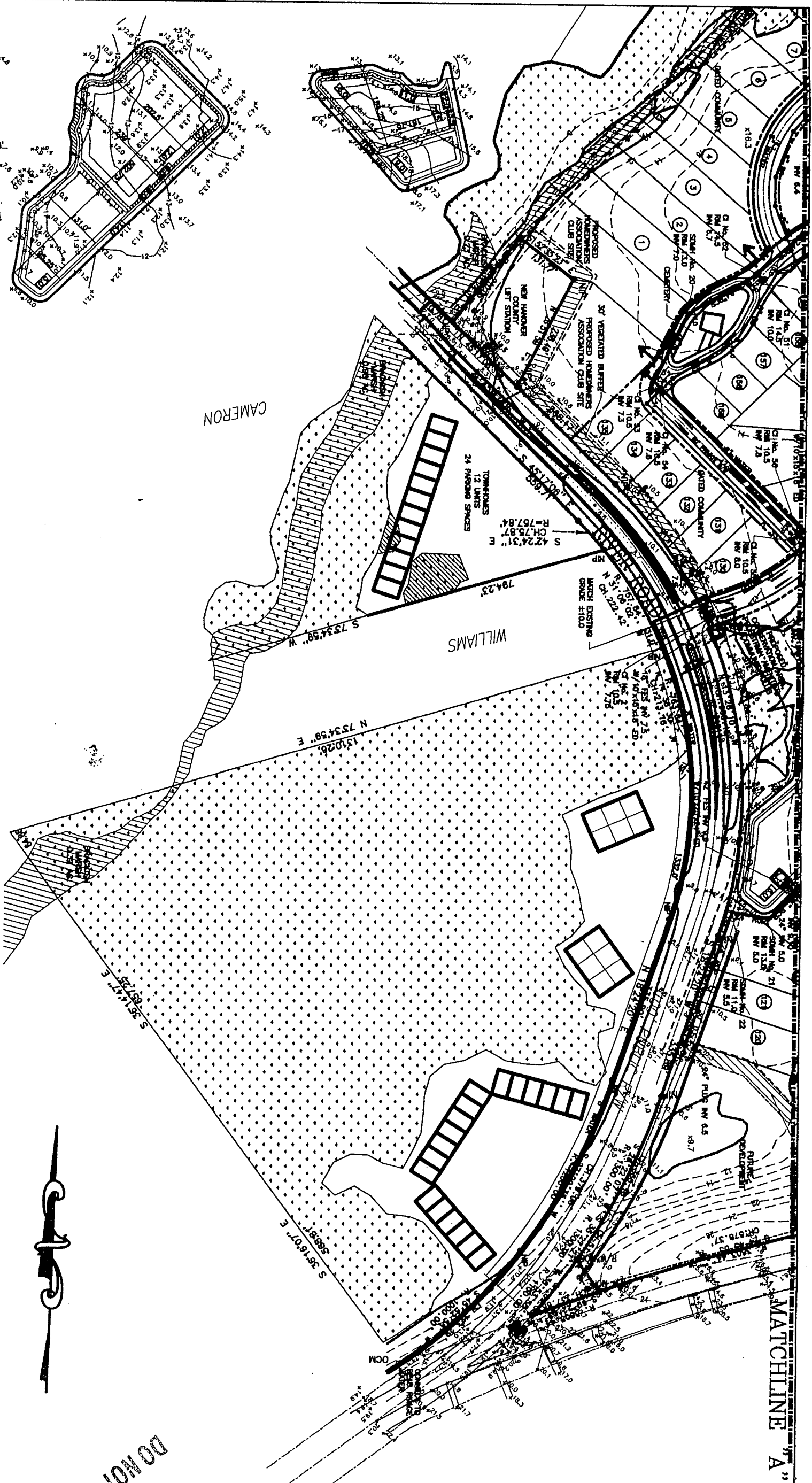
C1

SHEET 1 OF 15

03060

THE VILLAGE AT  
MOTT'S LANDING  
WILMINGTON, NORTH CAROLINA





# **SITE PLAN**

1" = 200'

## **APPLICATION FOR:**

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# **THE VILLAGE AT MOTT'S LANDING WILMINGTON, NORTH CAROLINA**



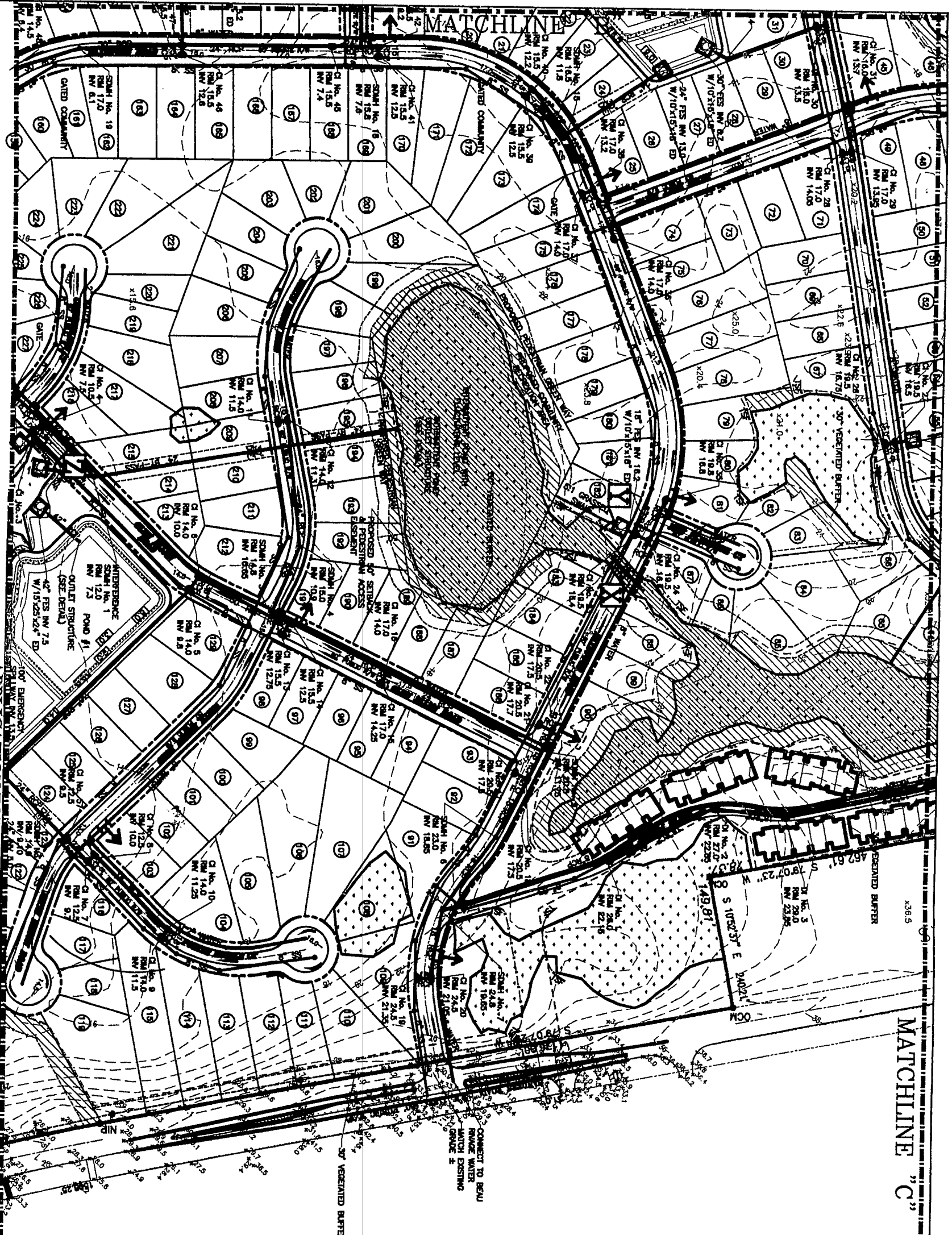
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DESIGN  
DRAWN JLR

**C2**

SHEET 2 OF 15

03060





**SITE PLAN**

1" = 200'

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BY AFTWE PROPERTIES, LLC  
2020 SOUTH CHURCHILL DRIVE  
WILMINGTON, NC 28403

APPLICATION FOR:

MATCHLINE "A"

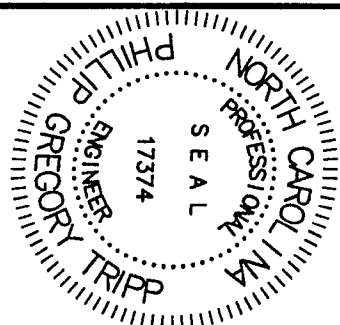


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**THE VILLAGE AT  
MOTT'S LANDING  
WILMINGTON, NORTH CAROLINA**

**C3**

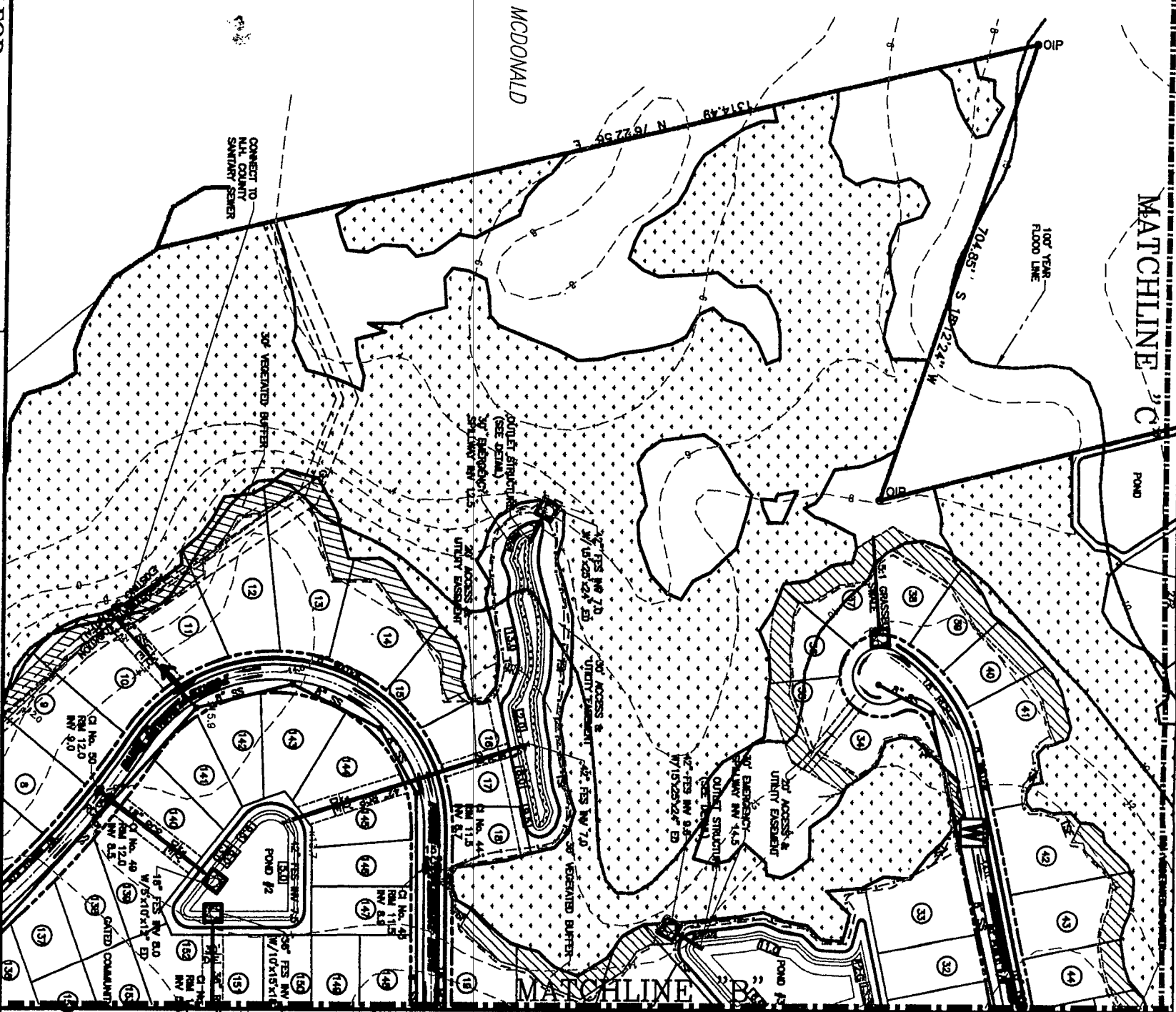
SHEET 3 OF 18

03060

**SITE PLAN**  
1" = 200'

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APPLICATION FOR:



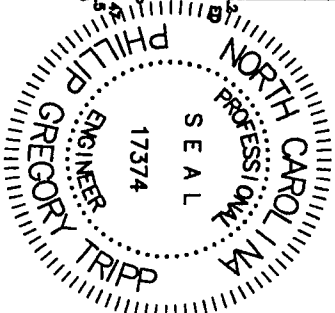
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**THE VILLAGE AT  
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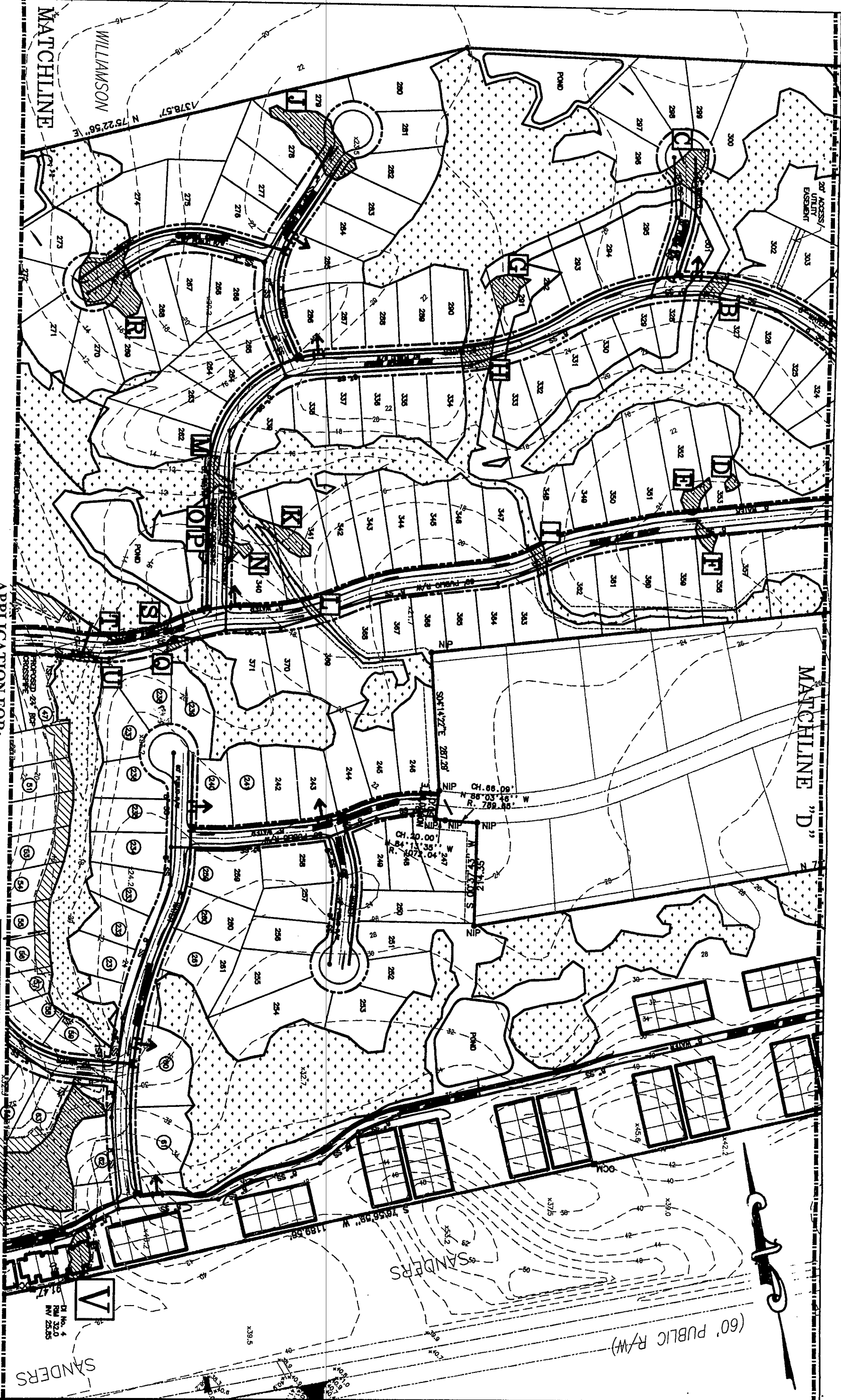
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SHEET 4 OF 18

03060



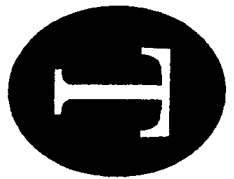


**SITE PLAN**

1" = 200'

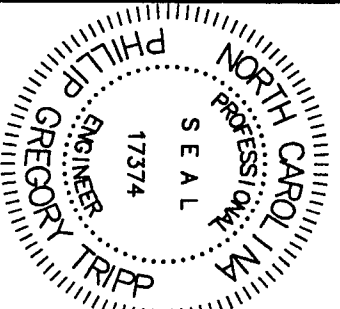
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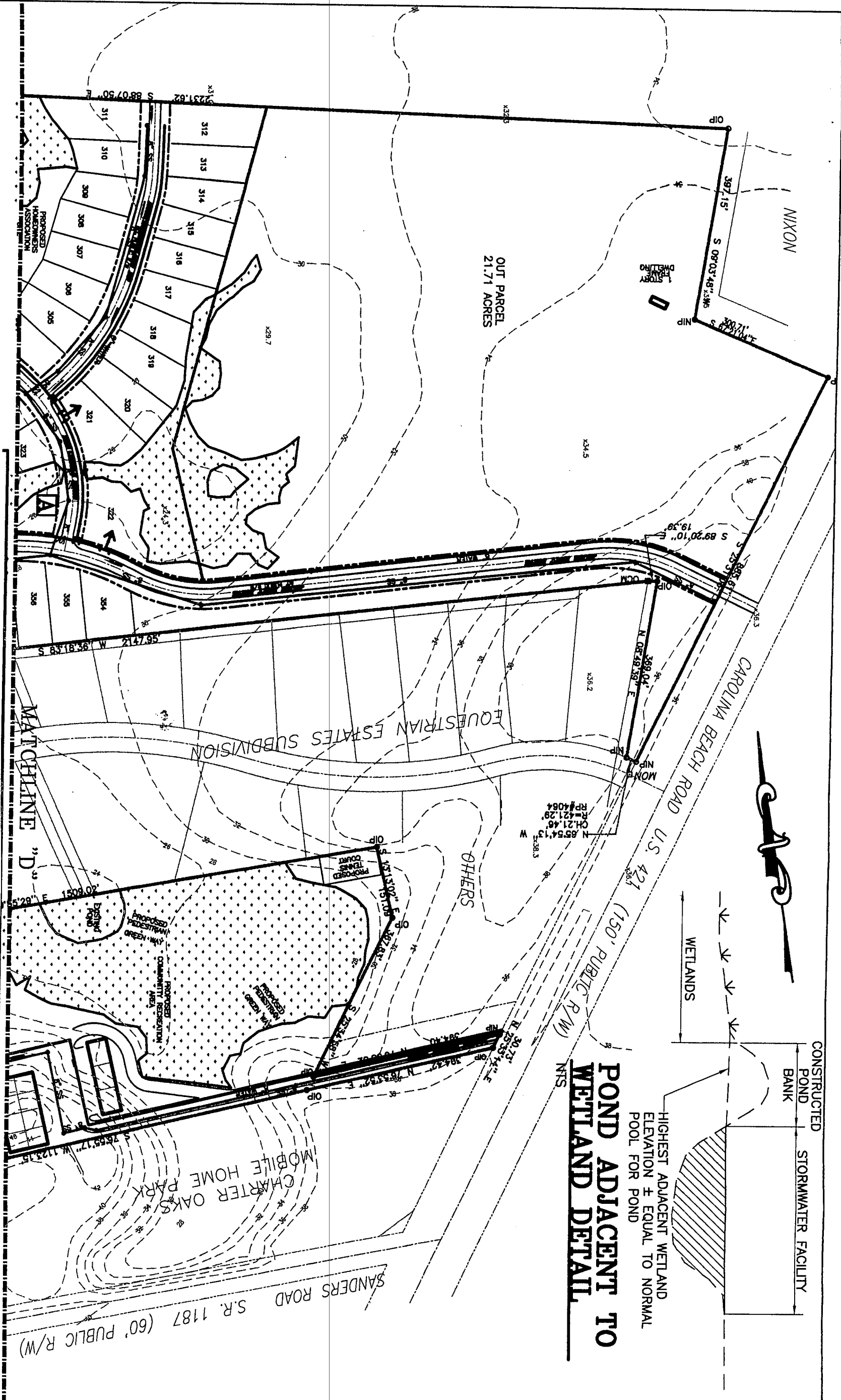
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DRAWN JLR

**THE VILLAGE AT  
MOTT'S LANDING**  
WILMINGTON, NORTH CAROLINA

**C5**

SHEET 5 OF 15

03060



# **SITE PLAN**

1" = 200'

APPLICATION FOR:  
U.S. ARMY CORPS OF ENGINEERS SECTION 404 PERMIT AND  
NCDWQ SECTION 401 WATER QUALITY CERTIFICATION  
TO AUTHORIZE WETLAND FILL FOR ROAD CROSSINGS NEEDED TO DEVELOP  
THE VILLAGE AT MOTT'S LANDING  
BY AFTWY PROPERTIES, LLC  
2020 SOUTH CHURCHILL DRIVE  
WILMINGTON, NC 28403

**POND ADJACENT TO  
WETLAND DETAIL.**

HIGHEST ADJACENT WETLAND  
ELEVATION ± EQUAL TO NORMAL  
POOL FOR POND

CONSTRUCTED  
POND  
BANK  
STORMWATER FACILITY

WETLANDS

OTHERS

EQUESTRIAN ESTATES SUBDIVISION

CHARTER OAKS PARK  
MOBILE HOME PARK

SANDERS ROAD

MATCHLINE "D"

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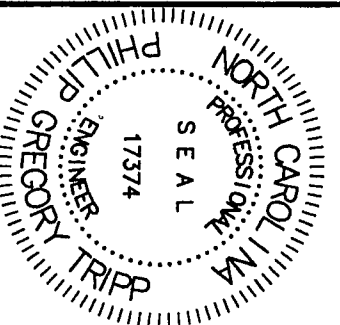
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**C6**

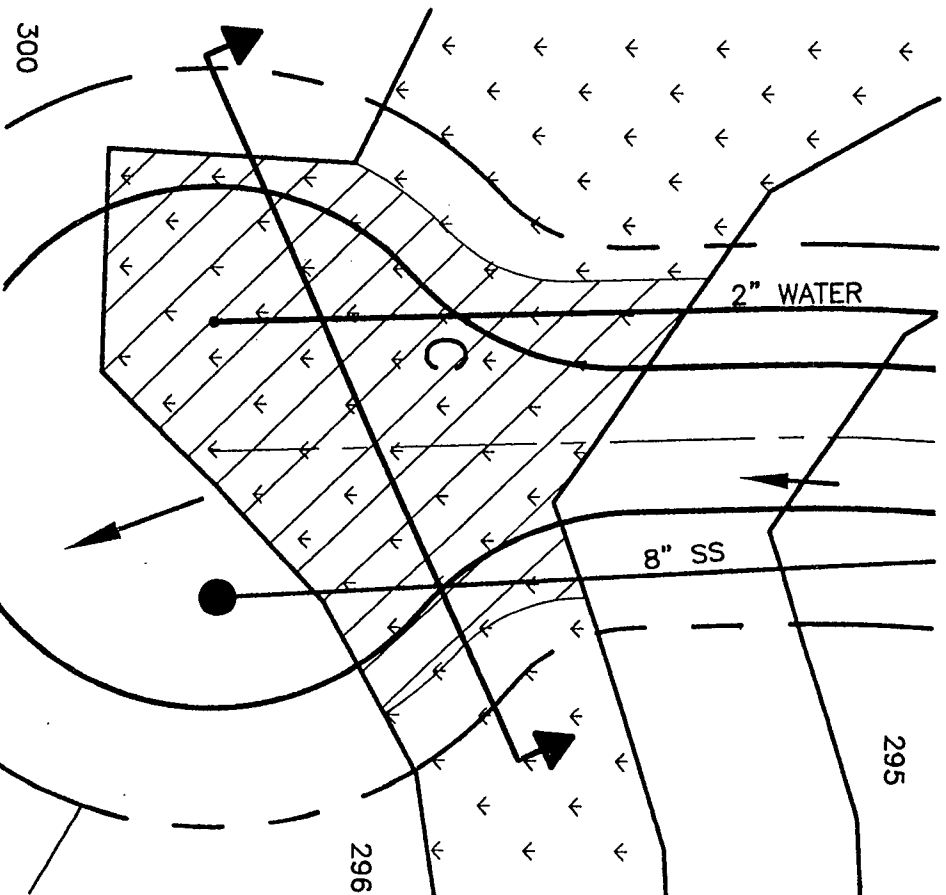
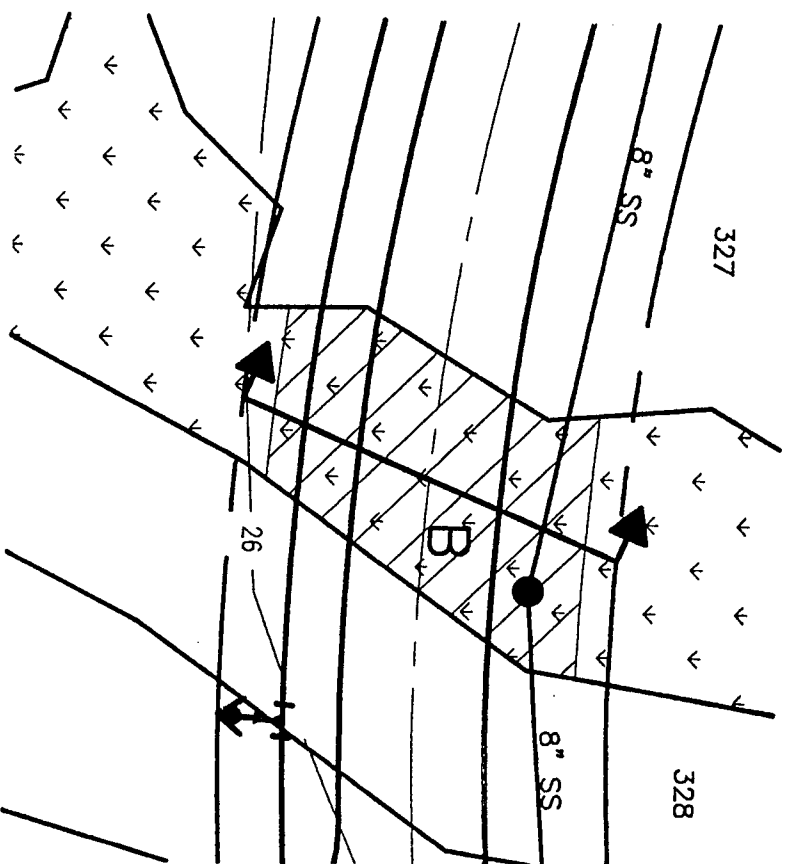
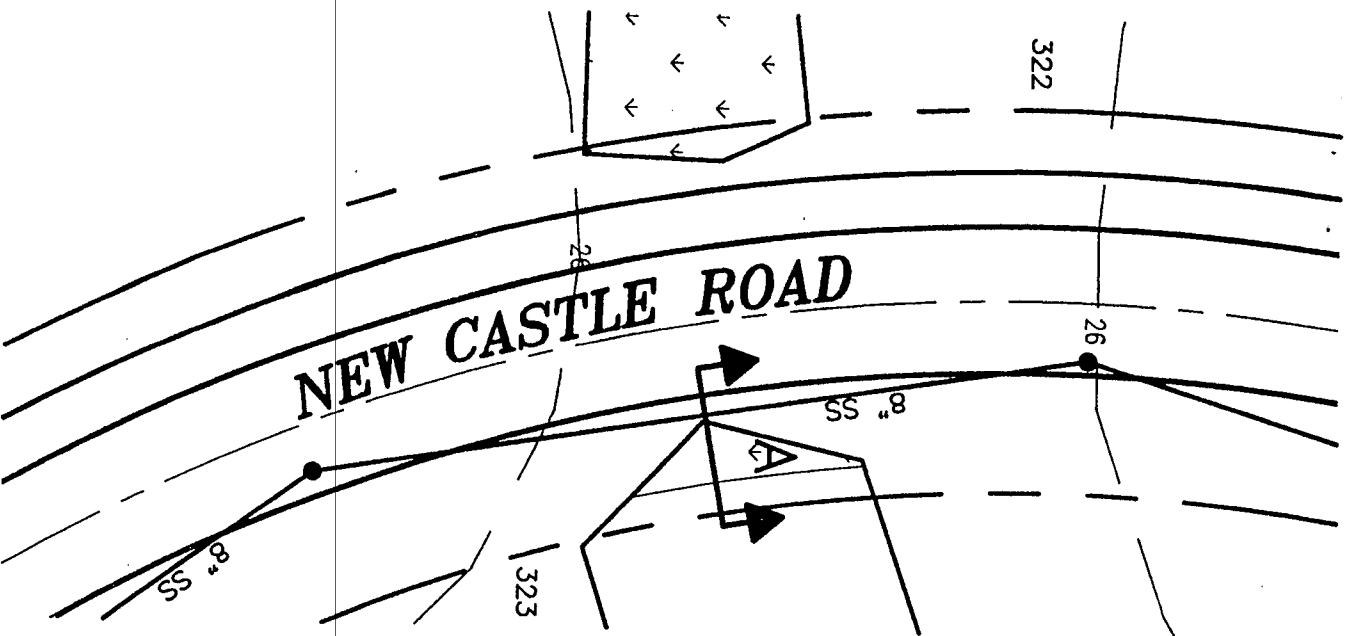
SHEET 6 OF 15

03060

**THE VILLAGE AT  
MOTT'S LANDING  
WILMINGTON, NORTH CAROLINA**



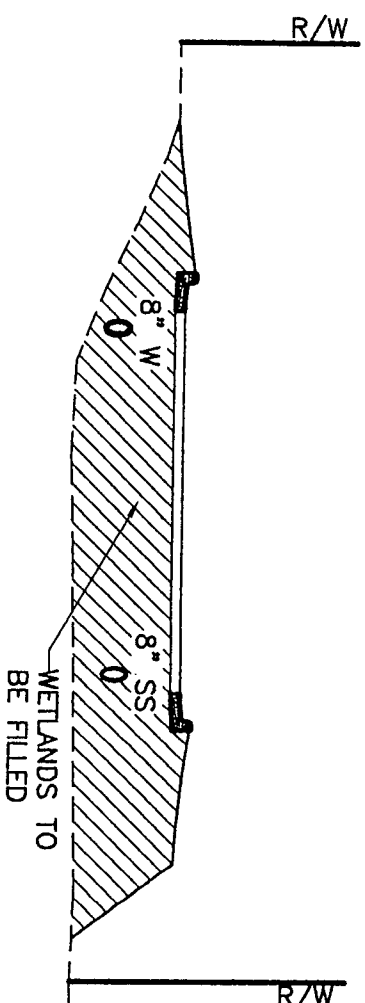
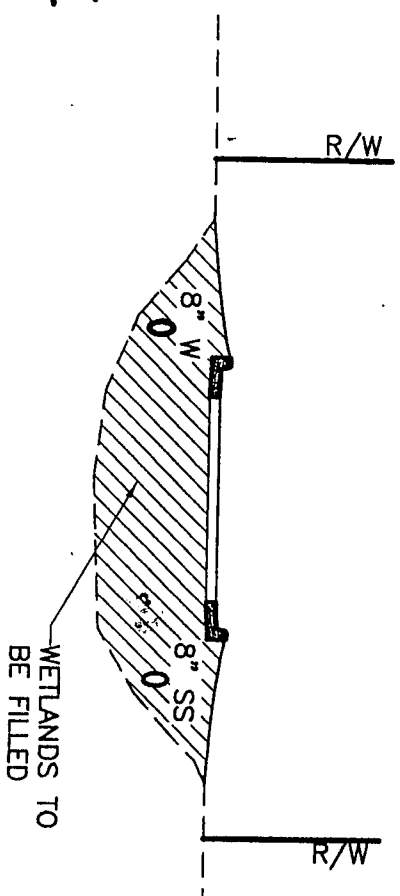
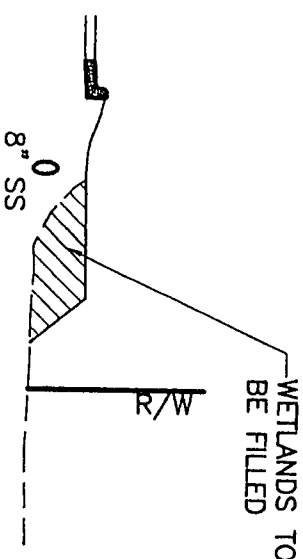
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DRAWN JLR



**WETLANDS "A" - PLAN VIEW**  
1" = 30'

**WETLANDS "B" - PLAN VIEW**  
1" = 30'

**WETLANDS "C" - PLAN VIEW**  
1" = 30'



**WETLANDS "B" - SECTION VIEW**  
NTS

**WETLANDS "C" - SECTION VIEW**  
NTS

**WETLANDS "A" - SECTION VIEW**  
NTS

U.S. ARMY CORPS OF ENGINEERS SECTION 404 PERMIT AND  
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APPLICATION FOR:



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WETLAND SECTIONS

**THE VILLAGE AT  
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DATE  
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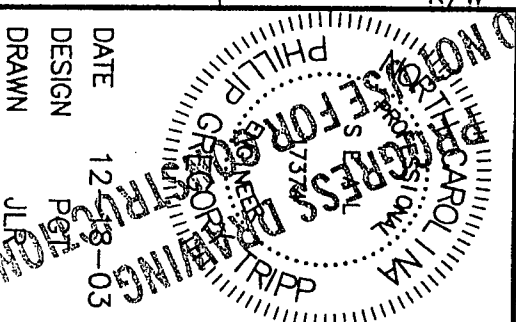
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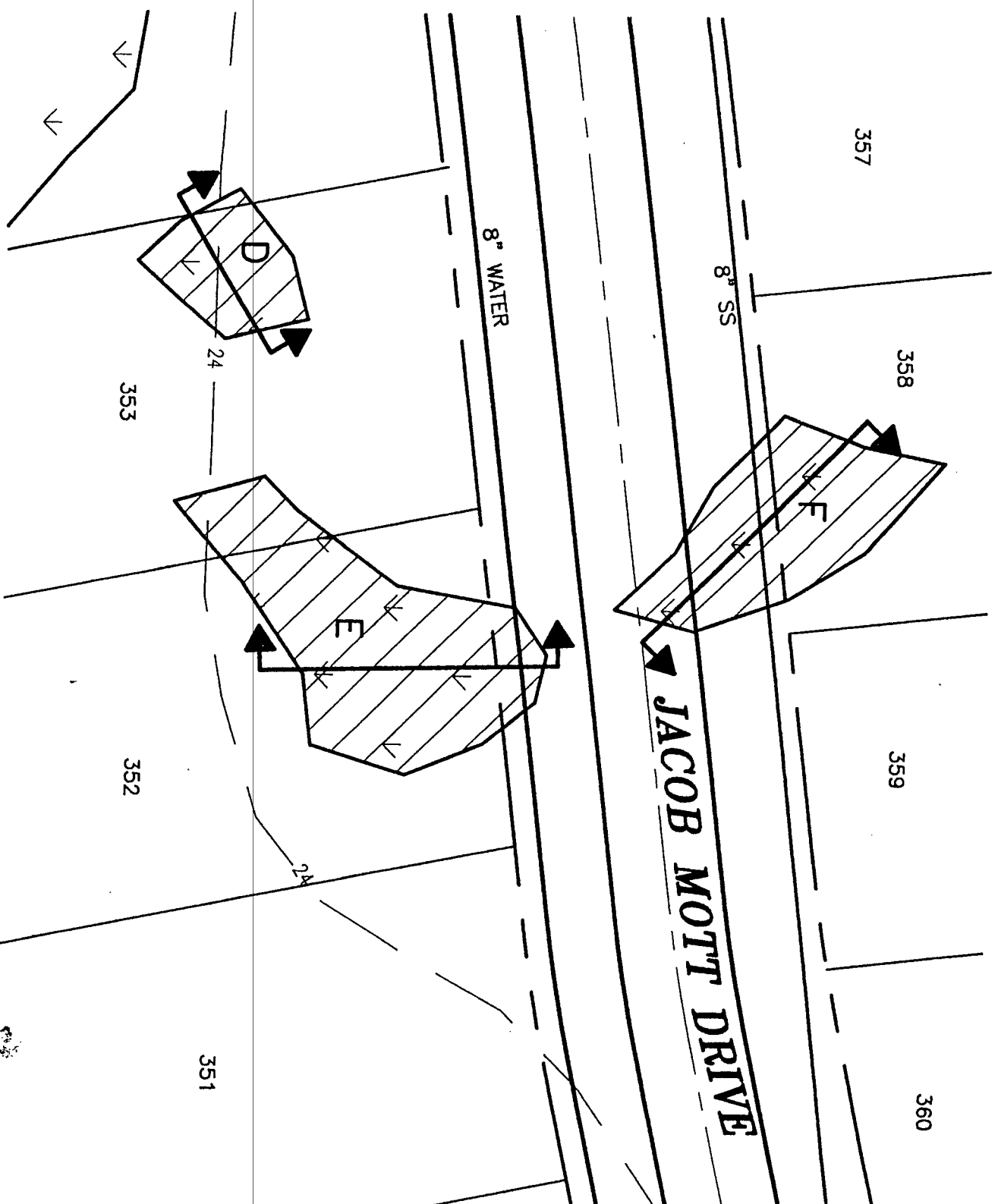
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SHEET 7 OF 15

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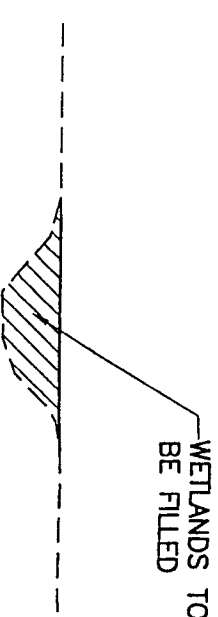




# **WETLANDS "D", "E", & "F" - PLAN VIEW**

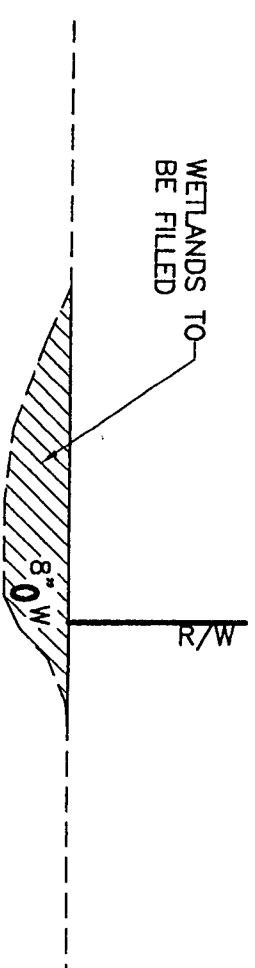
1" = 30'

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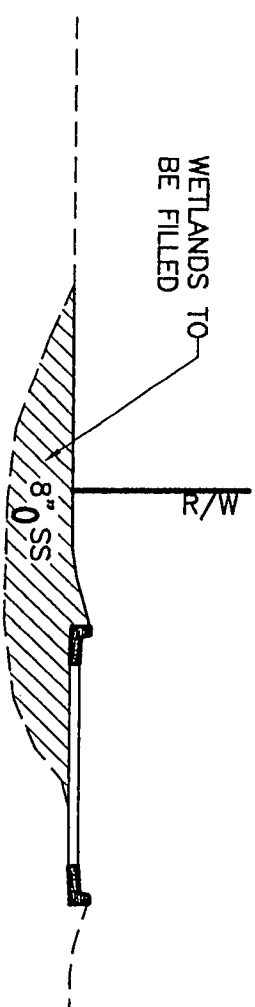
## **WETLANDS "D" - SECTION VIEW**

NTS



## **WETLANDS "E" - SECTION VIEW**

NTS



## **WETLANDS "F" - SECTION VIEW**

NTS

### **WETLAND SECTIONS**

**THE VILLAGE AT  
MOTT'S LANDING  
WILMINGTON, NORTH CAROLINA**

DATE 12-18-03  
DESIGN JET  
DRAWN JER

**C8**

SHEET 8 OF 15

03060



**TRIPP ENGINEERING, P.C.**

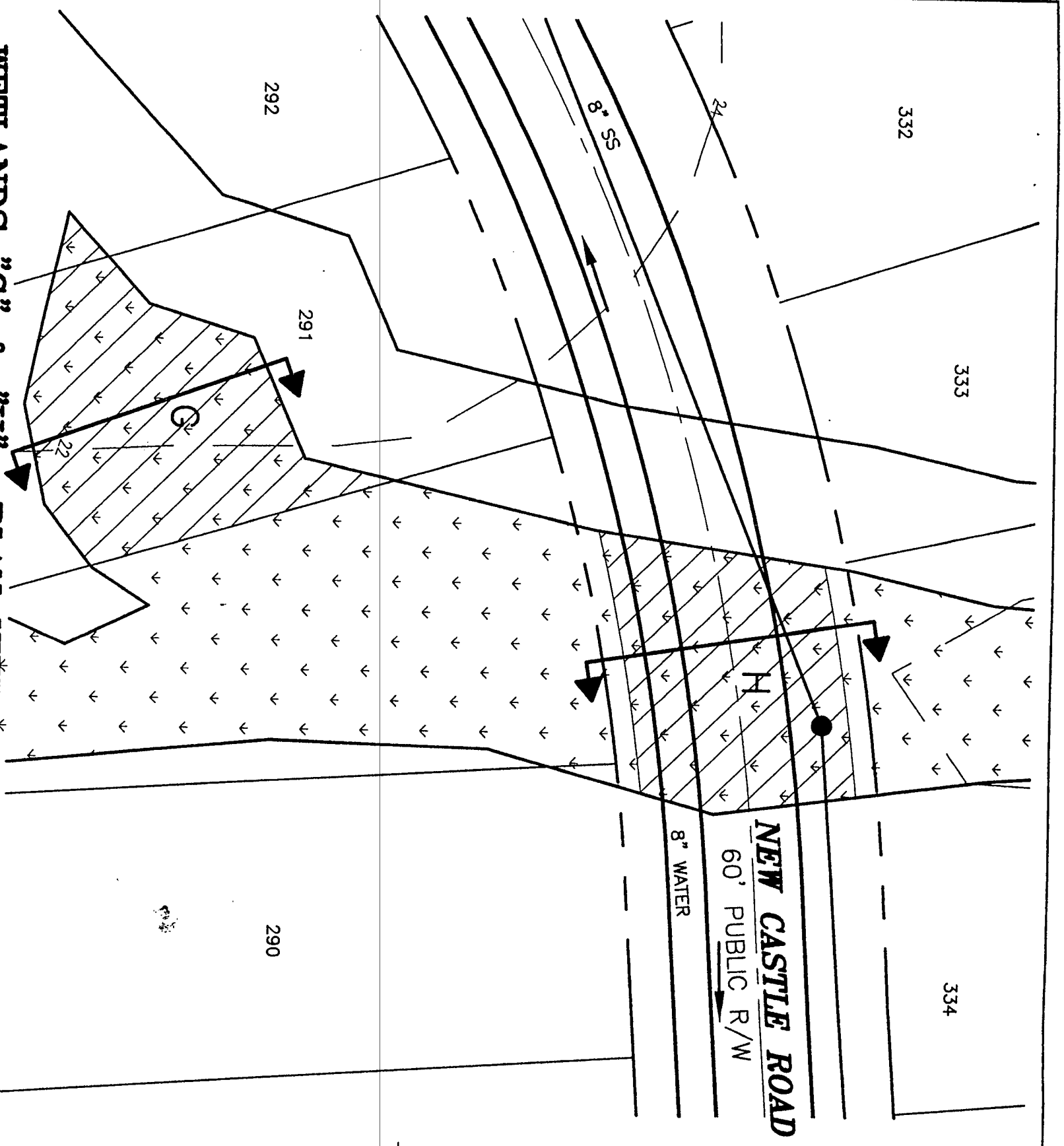
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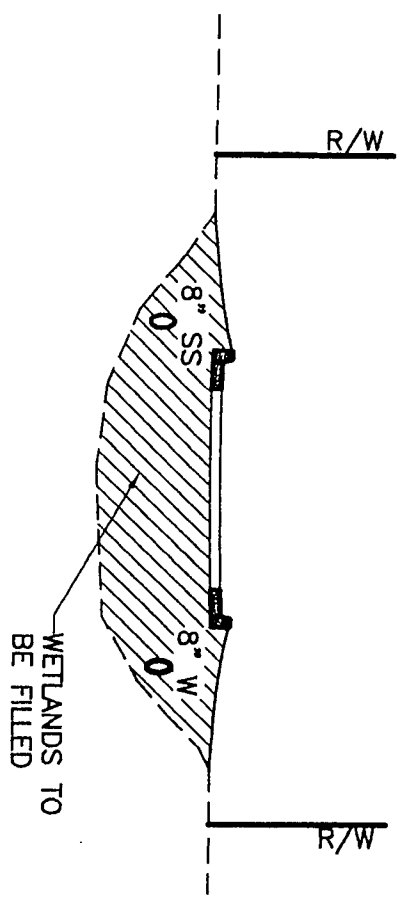


**WETLANDS "G" & "H" - PLAN VIEW**

1" = 30'

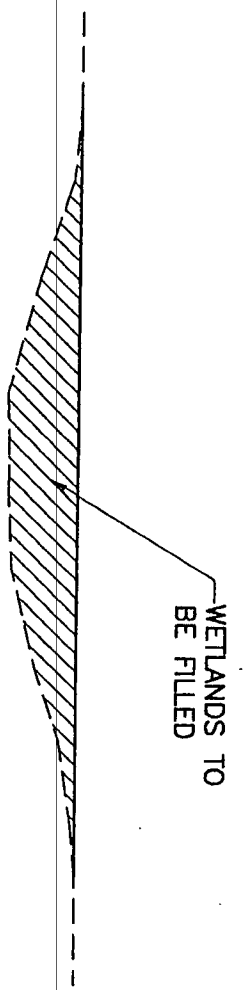
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**WETLANDS "G" - SECTION VIEW**

NTS



**WETLANDS "H" - SECTION VIEW**

NTS

**WETLAND SECTIONS**

**THE VILLAGE AT  
 MOTT'S LANDING  
 WILMINGTON, NORTH CAROLINA**

DATE 12-18-03  
 DESIGN PGT  
 DRAWN JER

PHILIP TRIPP  
 ENGINEERING, P.C.  
 1734 S. L  
 WILMINGTON, NC 28403  
 (910) 763-5100  
 (910) 763-5631



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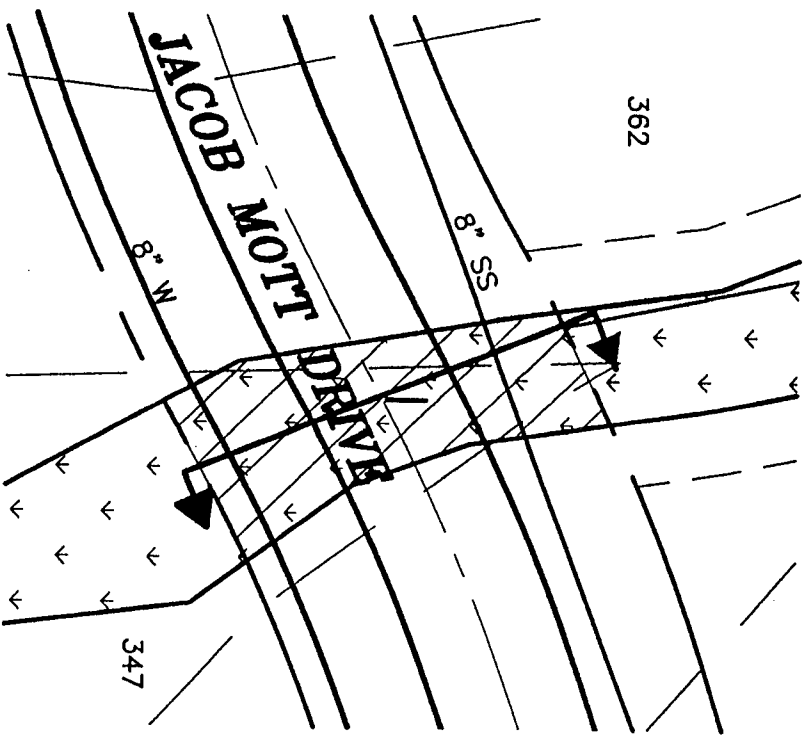
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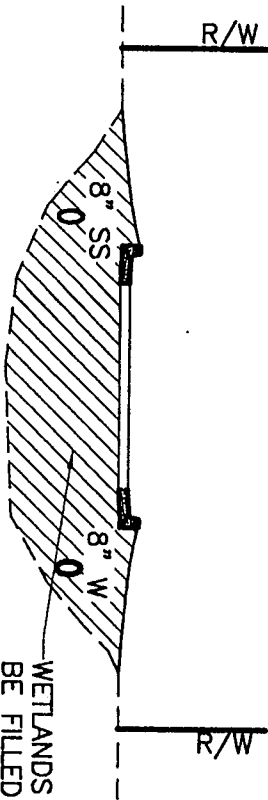
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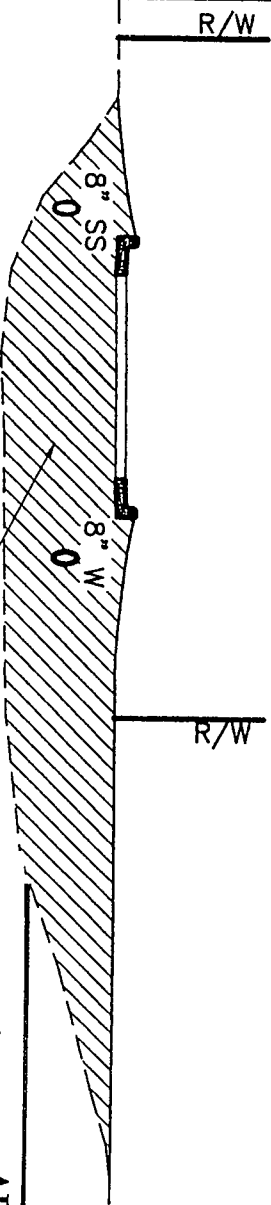
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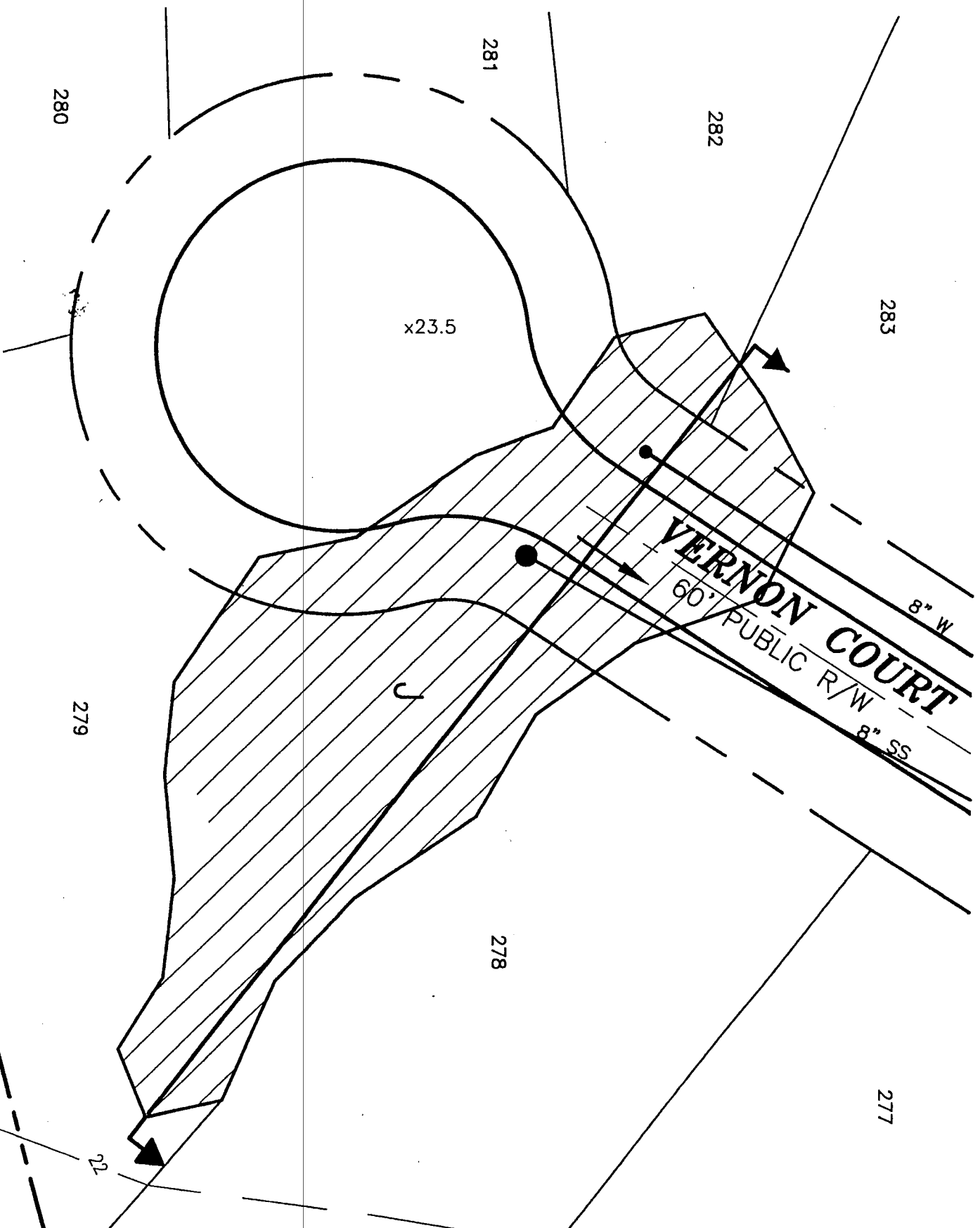
**WETLANDS "I" - PLAN VIEW**  
1" = 30'



**WETLANDS "I" - SECTION VIEW**  
NTS



**WETLANDS "J" - SECTION VIEW**  
NTS



**WETLANDS "J" - PLAN VIEW**  
1" = 30'

APPLICATION FOR:

U.S. ARMY CORPS OF ENGINEERS SECTION 404 PERMIT AND  
NCDWQ SECTION 401 WATER QUALITY CERTIFICATION  
TO AUTHORIZE WETLAND FILL FOR ROAD CROSSINGS NEEDED TO DEVELOP  
THE VILLAGE AT MOTT'S LANDING

BY AFTEW PROPERTIES, LLC  
2020 SOUTH CHURCHILL DRIVE  
WILMINGTON, NC 28403



**TRIPP ENGINEERING, P.C.**

419 Chestnut Street  
Wilmington, North Carolina 28401  
Phone 910-763-5100  
Fax 910-763-5631

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WETLAND SECTIONS

**THE VILLAGE AT  
MOTT'S LANDING**  
WILMINGTON, NORTH CAROLINA

DATE 12-18-03  
DESIGN PGT  
DRAWN JLR  
NOTED FOR CONSTRUCTION  
PHILLIP TRIPP  
CAROLINA

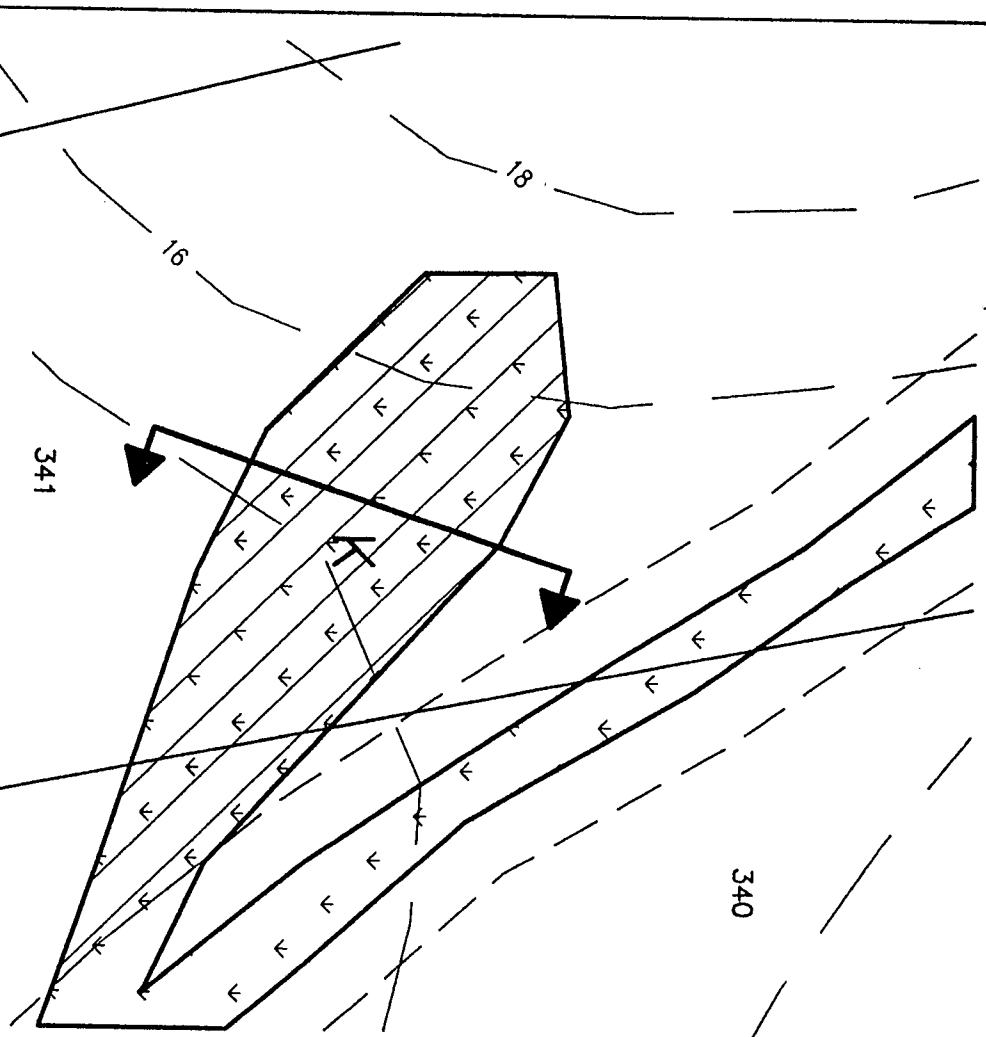
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SHEET 10 OF 15

03060

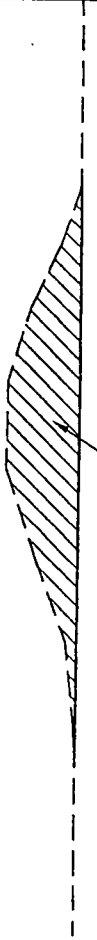
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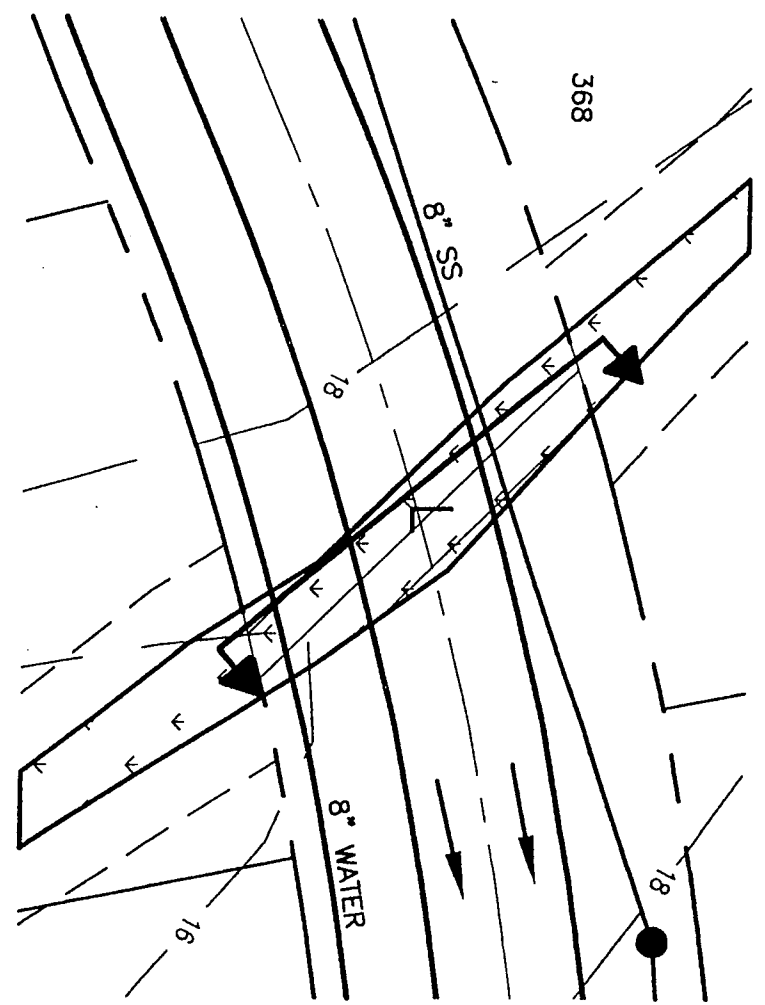


**WETLANDS "K" - PLAN VIEW**  
1" = 30'

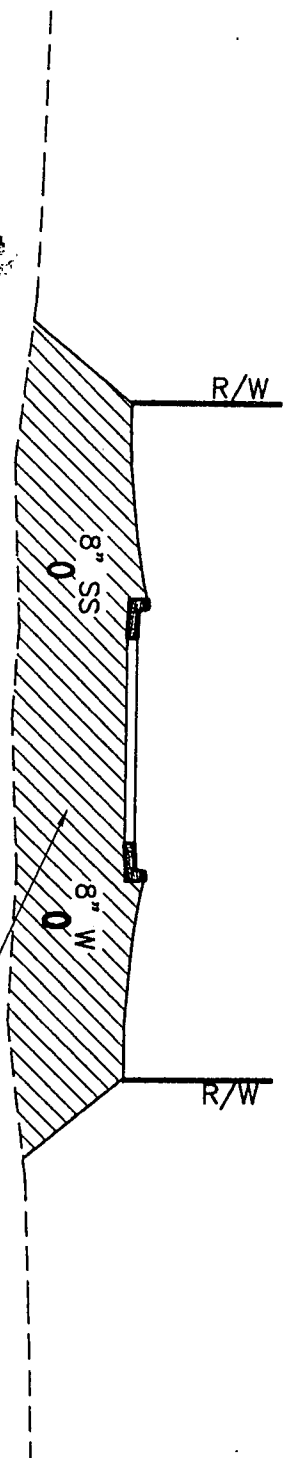
WETLANDS TO BE FILLED



**WETLANDS "K" - SECTION VIEW**  
NTS



**WETLANDS "L" - PLAN VIEW**  
1" = 30'



**WETLANDS "L" - SECTION VIEW**  
NTS

WETLANDS TO BE FILLED

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**WETLAND SECTIONS**

**THE VILLAGE AT  
MOTT'S LANDING  
WILMINGTON, NORTH CAROLINA**

DO NOT USE FOR CONSTRUCTION

THE CAROLINA PROFESSIONAL ENGINEER REGISTRATION BOARD

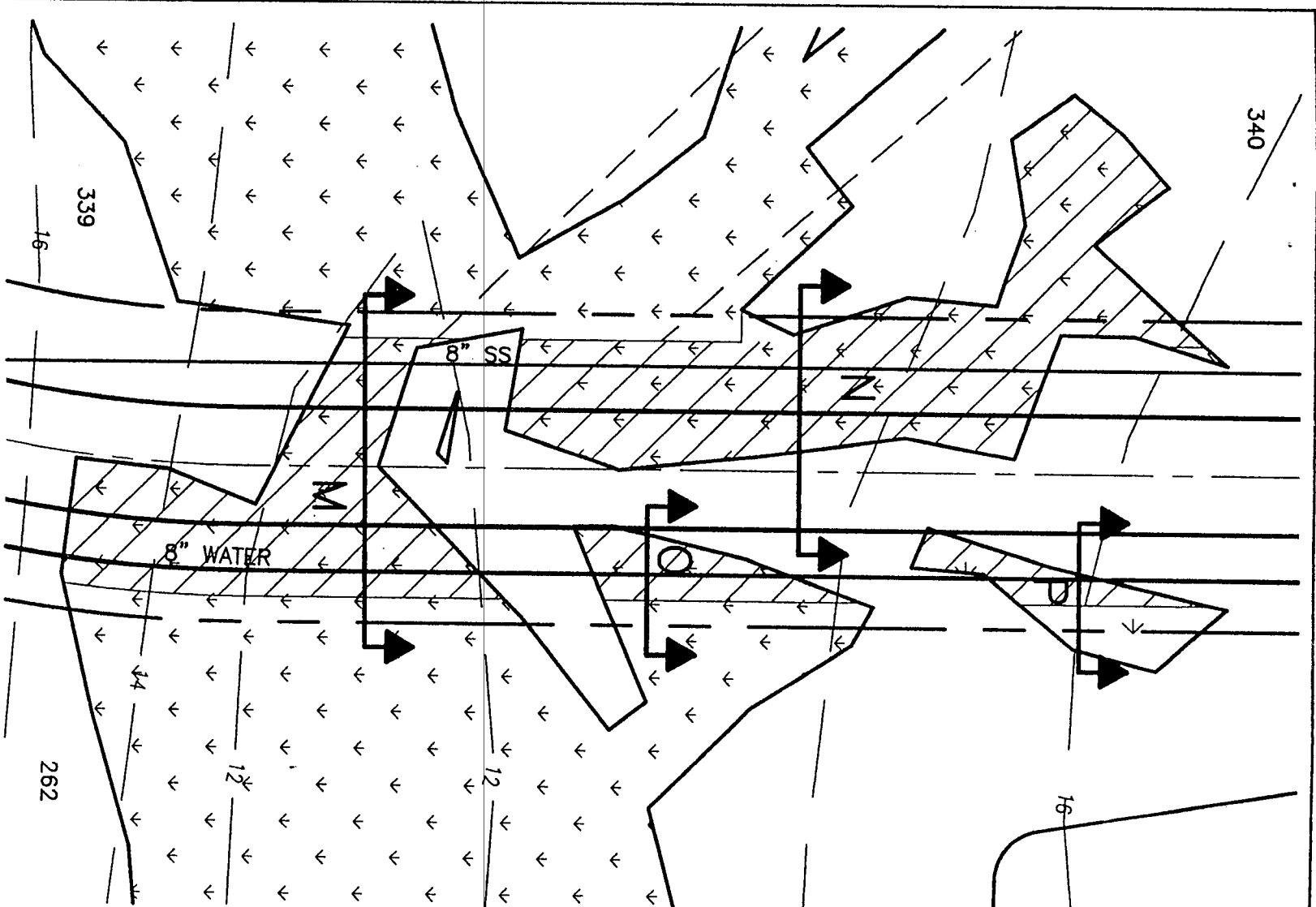
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DATE 12-18-03  
DESIGN PCT  
DRAWN ALR

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SHEET 11 OF 15

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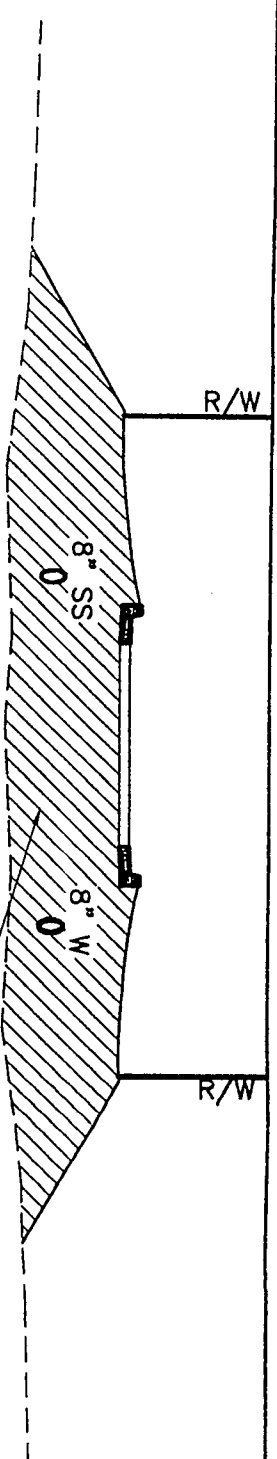


**WETLANDS "M", "N", "O" & "P" - PLAN VIEW**

1" = 30'

APPLICATION FOR:  
U.S. ARMY CORPS OF ENGINEERS SECTION 404 PERMIT AND  
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TO AUTHORIZE WETLAND FILL FOR ROAD CROSSINGS NEEDED TO DEVELOP  
THE VILLAGE AT MOTT'S LANDING

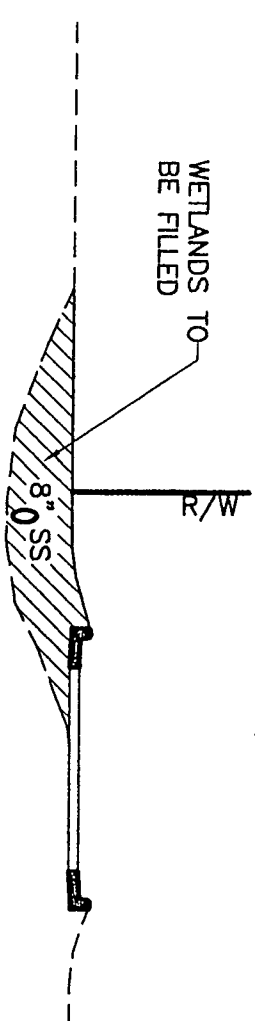
BY AFTEW PROPERTIES, LLC  
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**WETLANDS "M" - SECTION VIEW**

NTS

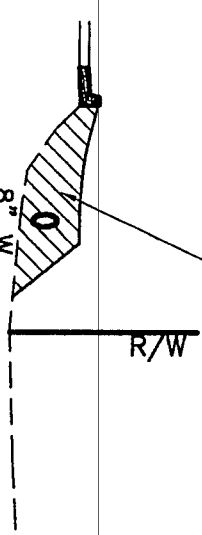
WETLANDS TO  
BE FILLED



**WETLANDS "N" - SECTION VIEW**

NTS

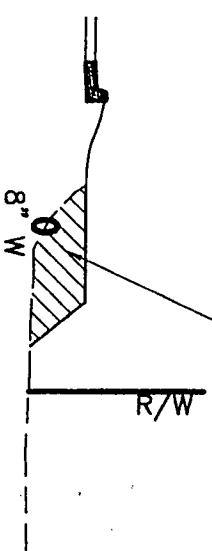
WETLANDS TO  
BE FILLED



**WETLANDS "O" - SECTION VIEW**

NTS

WETLANDS TO  
BE FILLED



**WETLANDS "P" - SECTION VIEW**

NTS

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**THE VILLAGE AT  
MOTT'S LANDING  
WILMINGTON, NORTH CAROLINA**

DATE 12/18/03  
DESIGN JER  
DRAWN JER  
PHILLIP TRIPP  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF NORTH CAROLINA  
NO. 17353

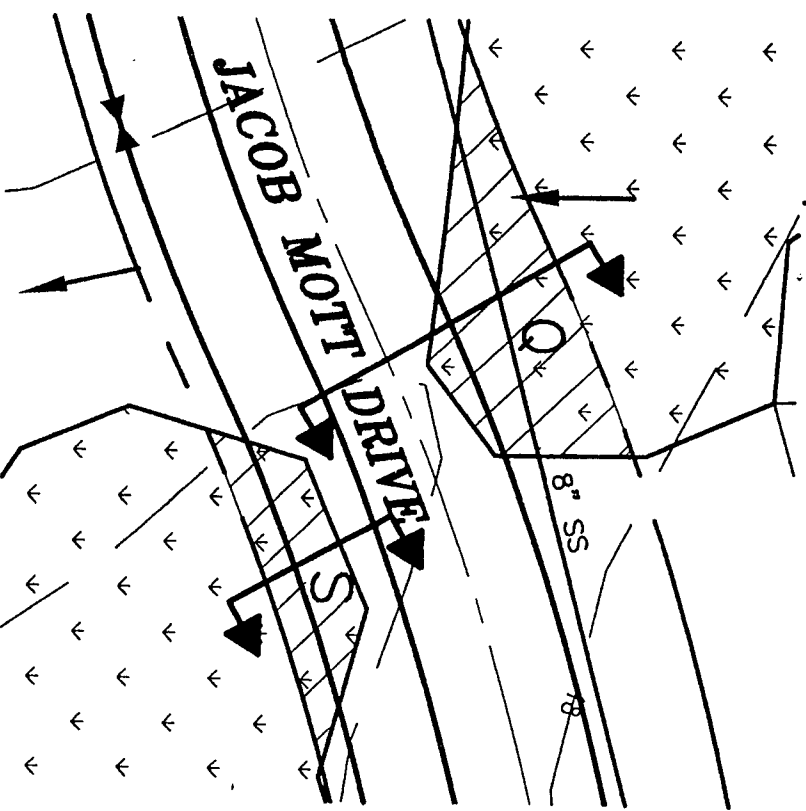
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SHEET 12 OF 15

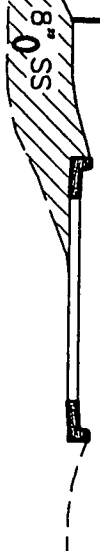
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# WETLANDS "Q" & "S" - PLAN VIEW

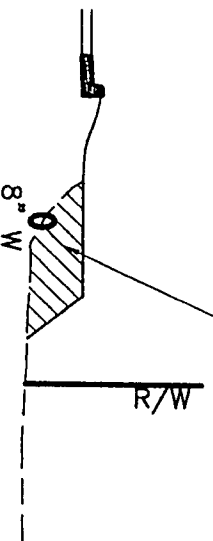
1" = 30'



WETLANDS TO  
BE FILLED



WETLANDS TO  
BE FILLED

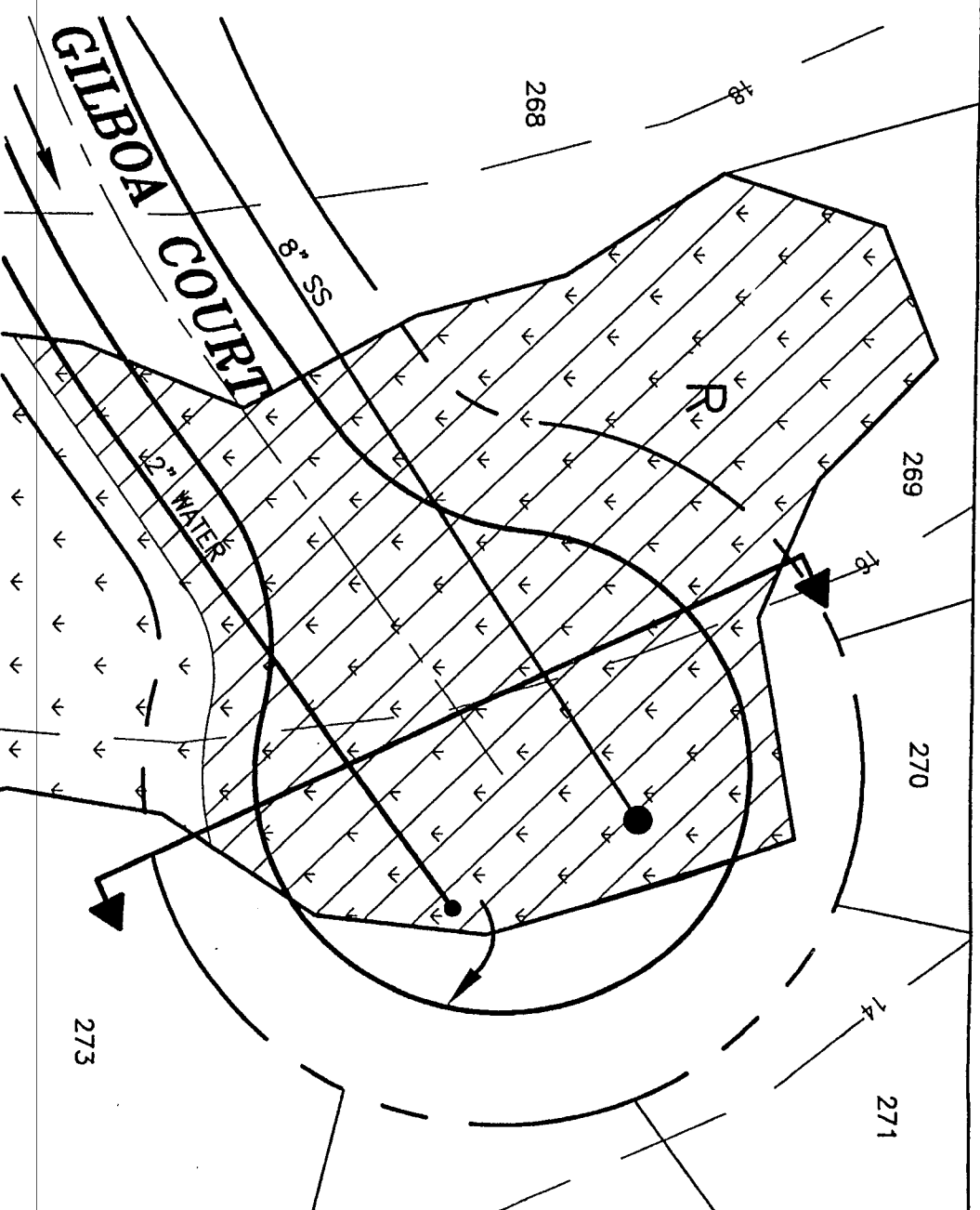


# WETLANDS "S" - SECTION VIEW

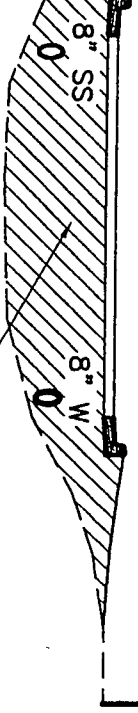
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# WETLANDS "R" - PLAN VIEW

1" = 30'



R/W



WETLANDS TO  
BE FILLED

# WETLANDS "R" - SECTION VIEW

NTS

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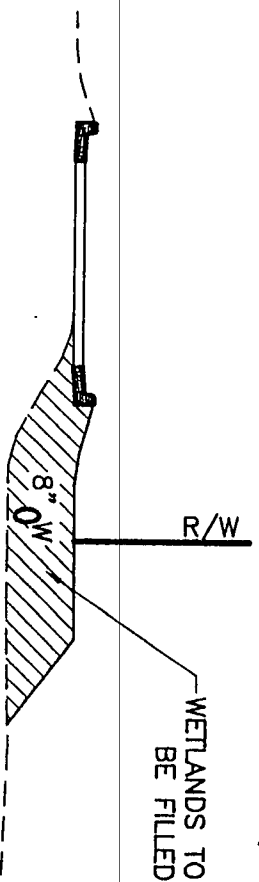
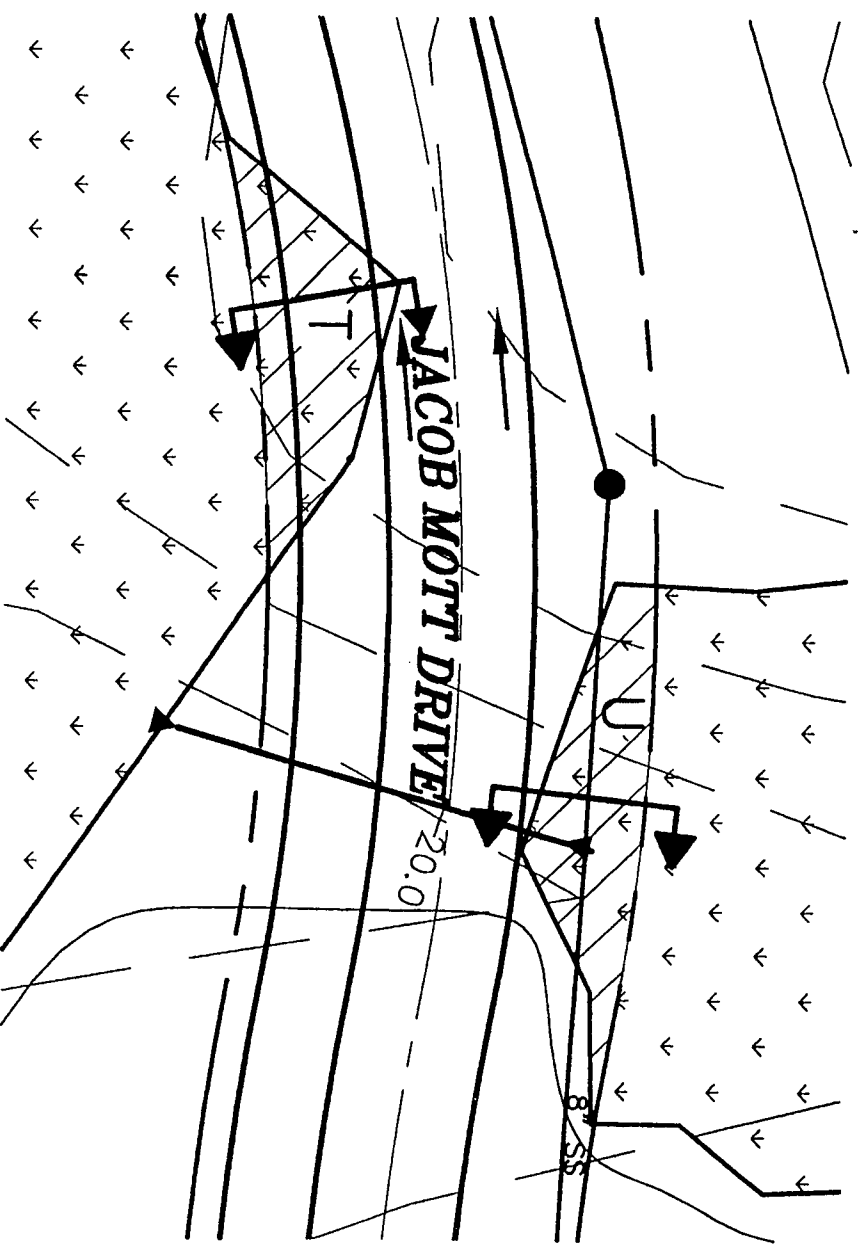
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WILMINGTON, NORTH CAROLINA

DATE 12-18-03  
DESIGN PGT  
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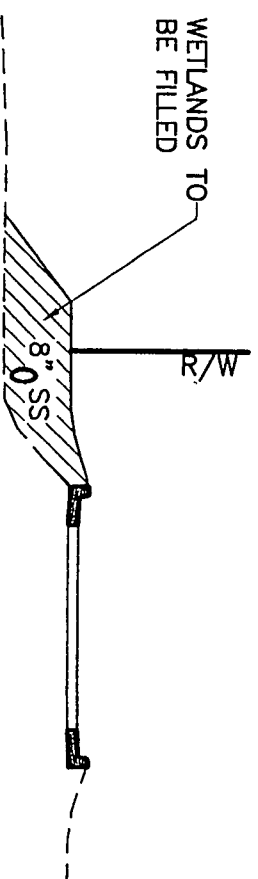
SHEET 13 OF 15

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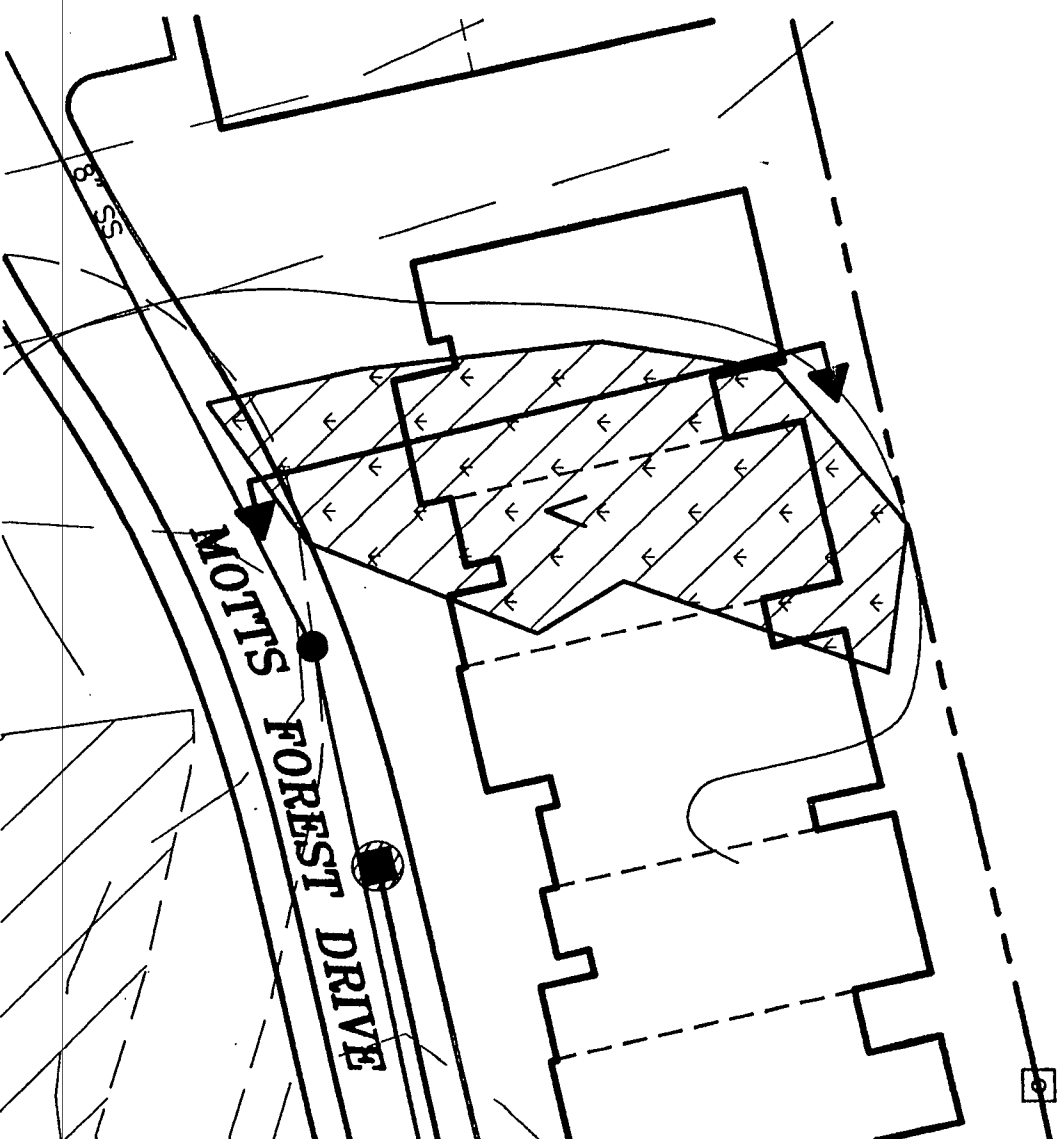
**WETLANDS "T" - SECTION VIEW**

NTS



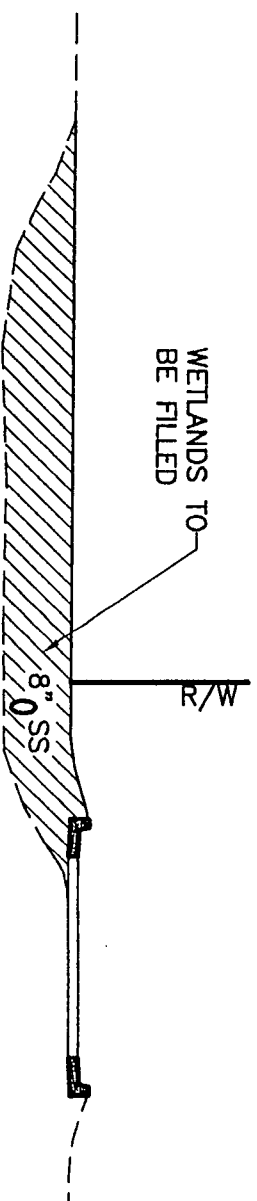
**WETLANDS "U" - SECTION VIEW**

NTS



**WETLANDS "V" - PLAN VIEW**

1" = 30'



**WETLANDS "V" - SECTION VIEW**

NTS

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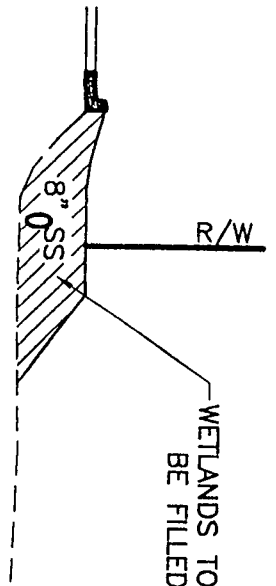
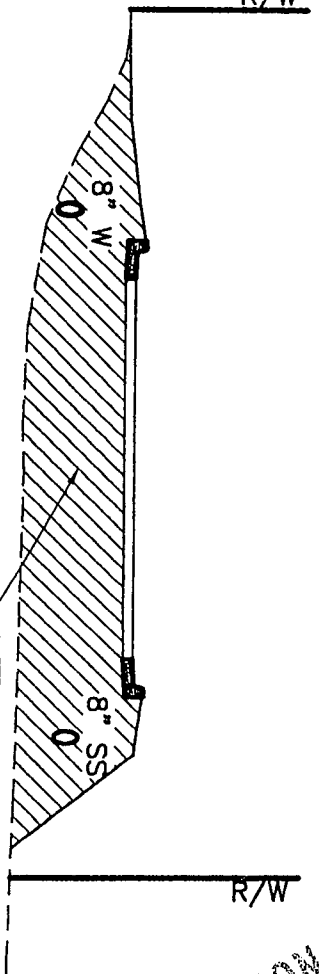
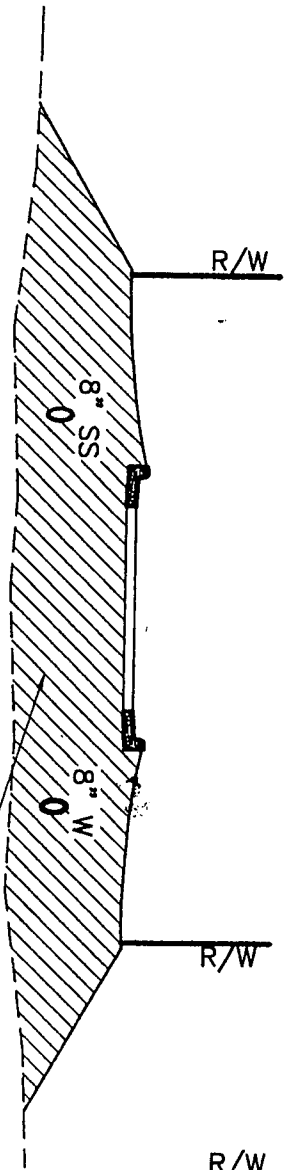
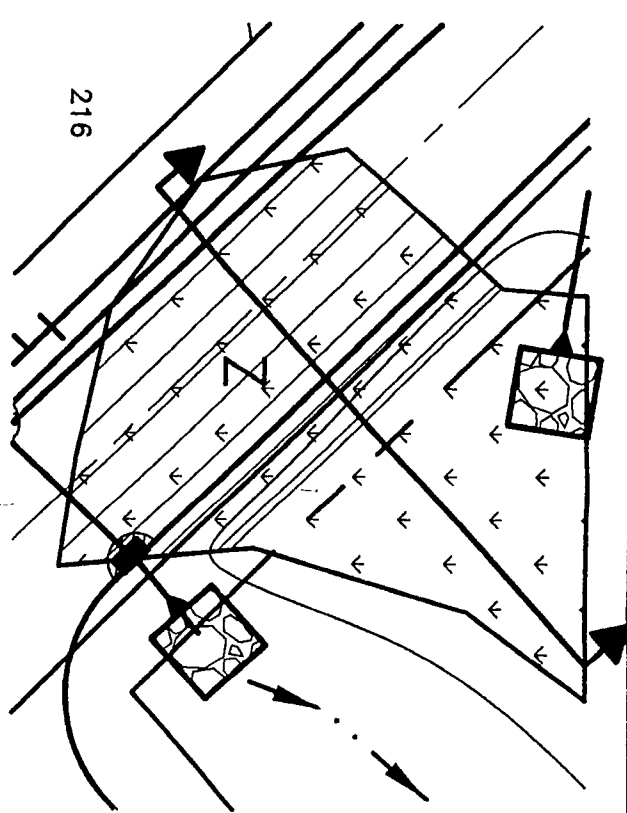
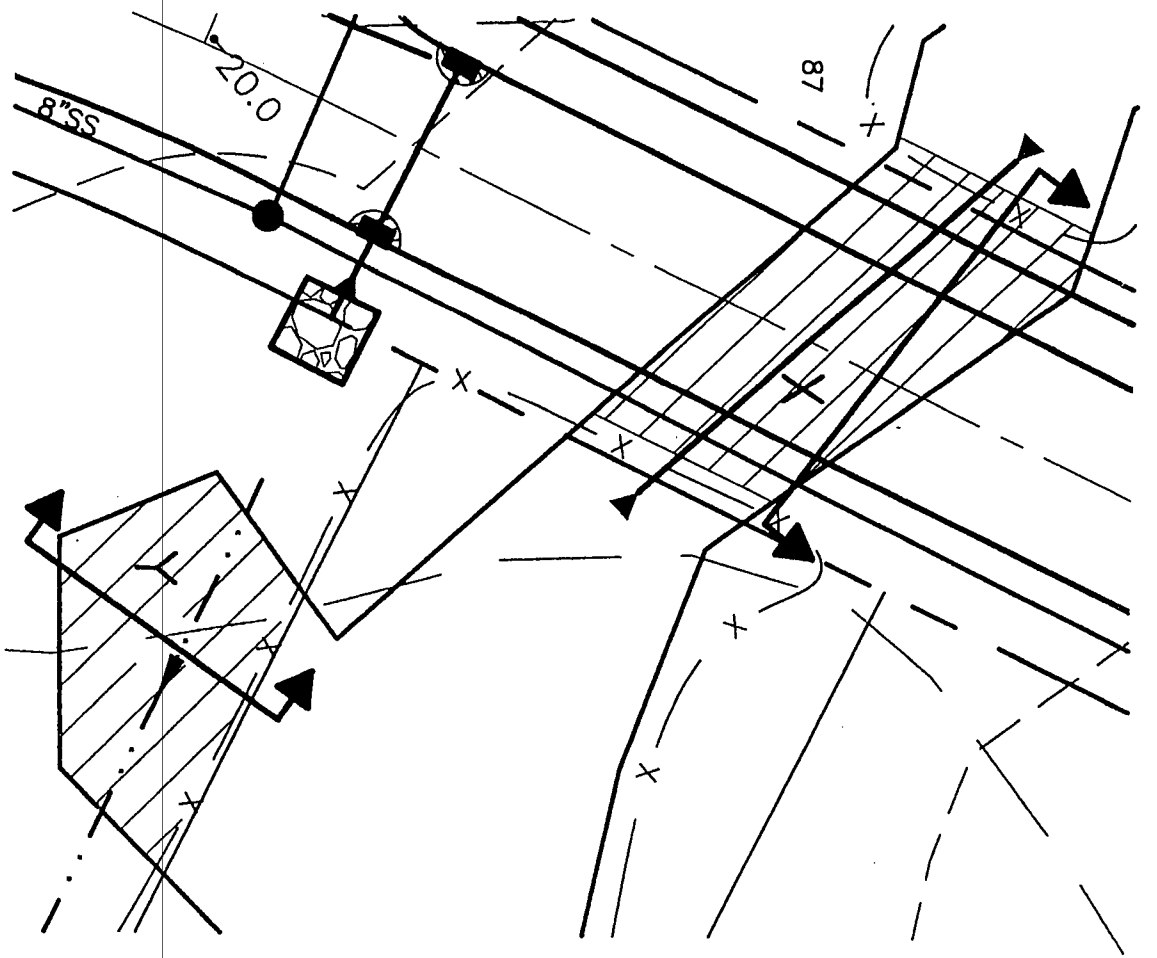
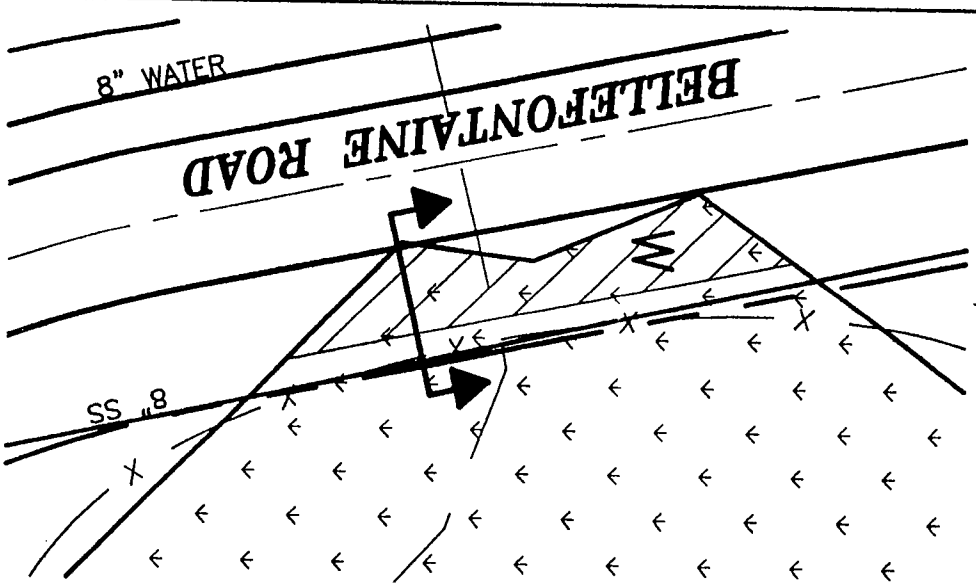
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**C14**

SHEET 14 OF 15

03060



**WETLANDS "X" - SECTION VIEW**

**WETLANDS "Z" - SECTION VIEW**

**WETLANDS "Y" - SECTION VIEW**

**WETLANDS "W" - SECTION VIEW**

APPLICATION FOR:

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SHEET 15 OF 15

03060

